

ENVIRONMENTAL ASSESSMENT DECISION NOTICE
for the
Fleecer WMA Addition Fee Title Acquisition
Montana Fish, Wildlife & Parks
Region 3, Bozeman
May 8, 2017

Preface

The enclosed Decision Notice has been prepared to purchase in fee title the 194-acre parcel of private land adjacent to the Fleecer Wildlife Management Area (WMA). The property is owned by the Margaret M. Noyce Revocable Trust. This property offers many qualities that are important to the existing Fleecer WMA and associated habitats:

- It shares 2 miles of boundary with the Fleecer WMA and provides additional winter range for 700-900 elk and 150-200 antelope, plus year-round habitat for white-tailed deer and an occasional moose. It complements the value that the Fleecer WMA has for non-game wildlife including the potential for 8 MT Species of Concern (SOC).
- It has 100 acres of wetlands with 2 miles of Divide Creek running through it.
- All water and most mineral rights would transfer with the property.
- The property has 94 acres of uplands that are prime for development if it were to remain in private ownership.
- The addition would increase public access for hunting, angling, and other recreational activities such as bird-watching, hiking, and photography.
- The parcel includes approximately 70 acres of irrigated tame grass hayfields that would be managed to the benefit of wildlife. These hayfields would be managed for production which would help alleviate elk game damage concerns on adjacent private lands.

The property is a recreational oriented property with complementary agricultural resources. It consists of 70 acres of irrigated and sub-irrigated tame grass hayfields, 24 acres of dry shrub-grassland, and 100 acres of riparian corridor along Divide Creek. The riparian corridor is encumbered with a Wetland Reserve Program (WRP) easement administered by the USDA Natural Resources and Conservation Service (NRCS) and allows for limited livestock grazing.

To best manage the Fleecer WMA Addition property for the benefit of wildlife, including management of the hayfields, the Department proposes to implement a 5-year exchange for services agreement with the current landowner. The proposed exchange for services agreement would comply with the WRP easement terms on the encumbered wetland acres. The property would be managed through actively maintaining meadows and irrigated tame grass hayfields, and periodically grazing livestock. Specifically, the agreement would entail the following:

- The property would be managed in part by the lessee by providing annual labor on the parcel with oversight by FWP personnel. Labor would include maintaining and operating the existing irrigation system, managing noxious weeds, maintaining fences and wells/troughs, fertilizing, brushing and reseeding the hayfields.
- In exchange for services provided by the lessee, the lessee would receive up to 120 AUM's of periodic, scheduled livestock grazing. Cattle grazing would be used to manage smooth brome that occurs throughout the property and is concentrated in the hayfields. Grazing would be done in a spring-fall deferred system with up to 60 animal use months (AUM) each for spring and fall. There would be two upland pastures (~35 acres each) and two wetland pastures (~50 acres each). The 24 acres of native shrub-grasslands would not be included in the grazing system. This pasture would be given continuous rest.

Metrics will be used during the 5-year period of initial ownership to determine whether this exchange for services agreement is benefitting wildlife. The metrics include photo points, pellet surveys, non-game surveys, and weed surveys. Any renewal of this system would be addressed through a separate Environmental Assessment.

Proposed Action

The Department proposes to purchase in fee title this 194-acre parcel of private land adjacent to the Fleecer Wildlife Management Area (WMA). It is located approximately 20 miles southwesterly of Butte along the Interstate 15 corridor and 1.5 miles north of Divide. The property is owned by the Margaret M. Noyce Revocable Trust. The value of the property has been appraised at \$620,000. FWP would pay the appraised value using a combination of Pittman-Robertson funds, Habitat Montana funds from the 2013 spending allocation which allows for fee title and other types of acquisitions, and a contribution from the Rocky Mountain Elk Foundation.

Public Process and Comments

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on March 16, 2017.

Public comments on the proposed action were taken for 30 days (through April 17, 2017). Legal notices were printed in the *Montana Standard* (Butte), the *Anaconda Leader*, and the *Dillon Tribune*. The EA was also posted on the FWP webpage: <http://fwp.mt.gov>.

This proposal has been discussed with the previous landowner, current landowner, adjacent landowner, NRCS personnel, Rocky Mountain Elk Foundation, MSU Agricultural Extension agent, Skyline Sportsmen Association, George Grant Chapter-Trout Unlimited, and several interested individuals. In addition, notices of the EA were sent to adjacent landowners, the Big Hole Watershed Committee, Butte-Silver Bow weed supervisor, local and state officials, and several other interested parties. Ten comments were received – eight were in support of the proposed action and two were opposed to the proposed action (Table 1).

Table 1: Summary of comments received on the Fleecer WMA Addition proposal.

PARTY	FROM	SUPPORT or OPPOSE	COMMENTS
Beaverhead Hunters and Anglers	Dillon	Support	
Individual	Dillon	Support	
Individual	Butte	Support	Protects big game winter range. Prevents development that could impact both wildlife and ranching.
Individual	Bozeman	Support	Appreciates that Rocky Mountain Elk Foundation is assisting with this purchase.
Individual	Kalispell	Support	Provides additional habitat for big game, provides watchable wildlife opportunities, minimizes game damage, and removes threat of future development that could impact wildlife. Proposed 5-year trial exchange for services agreement makes sense.
Individual	Salem, OR	Support	Opportunity to expand Fleecer WMA.
Anaconda Sportsmen Association	Anaconda	Support	Will enhance recreational opportunities and big game habitat.
Skyline Sportsmen Association	Butte	Support	Is a great addition to the Fleecer WMA.
Landowner	Divide	Oppose	FWP has not done a good job of managing weeds on Fleecer WMA. Concern for weeds on this parcel under FWP ownership. If this parcel is under FWP management, it removes a refuge for elk during hunting season. Managing this property to encourage elk use may increase elk on the railroad, highway and adjacent properties. If FWP acquires this property, will do what I can to make the management of it a success.

Landowner	Divide	Oppose	<p>FWP has not done a good job of managing weeds on Fleecer WMA. Concern for weeds on this parcel under FWP ownership. Fleecer elk population needs to be managed for reduction rather than purchase more property to support more elk.</p> <p>Elk are rarely on this property but are causing damage on neighboring properties, in addition to being on the highway and railroad and causing collisions.</p> <p>Encouraging elk use of this property under FWP ownership will lead to increased fence damage with adjacent landowners.</p> <p>Lack of commitment from FWP to dedicate enough money and personnel to manage the land we currently own.</p> <p>Puts more work on local biologist to manage more acres of WMA instead of being able to focus on wildlife management.</p> <p>Irrigation system needs repairs and maintenance. Will FWP be able to afford these improvements and manage water rights?</p> <p>There needs to be dedicated FWP oversight of the Exchange for Services Agreement.</p> <p>Overall concern that FWP does not provide sufficient personnel to manage the property it owns statewide.</p> <p>Under FWP ownership this land will be removed from the tax base.</p> <p>In addition to the purchase price, what are the long-term costs of maintaining this property and who is FWP is accountable to its management or neglect?</p>
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Final Environmental Assessment

Regarding comments received in opposition to this proposal, FWP offers the following responses:

Weed Management – as per the Environmental Assessment, a plan of action would be implemented to manage noxious weeds on the property if FWP purchases it. Specifically, the EA states:

“The property would be surveyed for noxious weeds during the first year of acquisition. Noxious weeds would be mapped and identified by species. A management plan based on this information would be developed and given to the lessee. This effort would be repeated each year during the 5-year lease agreement. It is expected that noxious weeds would diminish over this time.”

Point is taken that FWP has not fully invested in managing weeds on the Fleecer WMA in the past 3-4 years. This deficit is being addressed through a more systematic work plan for the WMA and better cooperation with adjacent landowners, including the Forest Service and BLM, and the Butte-Silver Bow Weed Supervisor and Weed Board. For 2017, a plan is in place to treat a minimum of 650 acres on the Fleecer WMA and 1,000 acres on adjoining FS and BLM land. In addition, FWP is working with Silver Bow County to host a community spray day on the WMA on June 13. Besides these large-scale efforts, FWP maintenance crews will also treat noxious weeds along roads and other problem areas on the WMA this season. This more proactive and organized approach to weed management on Fleecer WMA will be used moving forward so that we can diminish the infestations of weeds that we currently have and prevent new sites from getting established. FWP recognizes that this is our due diligence not only for the land we own and manage but also for our neighbors.

Elk Refuge during hunting season – if FWP acquires this property, it will be managed as part of the Fleecer WMA and therefore accessible for hunting. This does prevent this property from being a refuge for elk if they migrate onto the Fleecer winter range during the hunting season and are caught at the lower elevation where this property is located. However, because of the irregularity and infrequency when this occurs, FWP does not feel it poses a major threat to the elk population overall.

Elk use of the property – concerns were expressed that if this property is managed to encourage elk use, this will lead to increased collisions on the railroad and highway and damage to adjacent private property. Since FWP

intends on improving habitat conditions for wildlife, including wintering elk, it could lead to increased elk presence on this property, which is the Department's desired outcome. If it leads to increased fence or other property damage on adjacent landowners, this will be addressed through shared responsibility between FWP and its neighbors in fence maintenance as well as through game damage assistance.

When snow conditions drive elk to the lower elevations of the winter range, they are prone to crossing the railroad tracks and highway to find feed in the neighboring subdivision. By managing this property which occurs at low elevation for wintering elk, FWP hopes to minimize movements of elk elsewhere. However, FWP recognizes that elk use and movements are determined not only by where feed is present but also where caloric requirements are minimized given snow conditions, wind, temperature, and topography. While we can best manage for that, we ultimately cannot control elk movements.

Fleecer Elk population – Concern was expressed that the Fleecer elk population needs to be managed for reduction rather than purchase more property to support more elk. FWP does not intend to allow an increase in the Fleecer elk herd if it purchases this property. The intent is to increase the property that can be managed for wildlife and try to reduce game damage on private land.

In accordance with FWP's Elk Management Plan (2005), the Fleecer elk herd (Hunting District 319) is being managed at 800-1,100 elk counted during annual winter surveys with no more than 800 wintering in the Fleecer area (to include the WMA, FS, BLM, DNRC and private land). In the past 2 years, the number of elk wintering on Fleecer has exceeded this maximum by 60-80 animals while the overall number of elk counted in the Hunting District 319 has been at the upper end of the range. Because elk numbers are at the upper end of both objectives, FWP has been issuing 250 Elk B licenses for the past 2 years to reduce the population and will propose an increase to 400 for the 2017 hunting season. In addition, a proposal to liberalize the hunting season to allow antlerless elk harvest on the general license during some portion of the 5-week general season is being considered for the upcoming biennium (2018-19).

FWP's commitment to provide sufficient personnel and funds to manage Department-owned property – Management of Fleecer WMA and all WMA's in Region 3 fall under the responsibility of both the local wildlife biologist and the WMA maintenance supervisor. The WMA maintenance supervisor typically has a seasonal crew of 2-3. The biologist is primarily responsible for programs and activities that affect wildlife management (habitat, travel, recreation, etc.) while the maintenance supervisor is responsible for the upkeep of fences, roads, weeds, signs and other infrastructure. Both employees work cooperatively to ensure that the WMA's are being managed properly for the benefit of wildlife and in accordance with good neighbor laws. These employees are overseen by the Region 3 Wildlife Manager, and ultimately by the Regional Supervisor.

FWP recognizes that if either the wildlife biologist or the WMA maintenance supervisor are not fully executing their duties or if there is an insufficient number of seasonal crew hired annually, then management of the WMA is compromised. This can and at times has put additional responsibilities on the wildlife biologist, which pulls them away from other wildlife management activities. To address this, FWP has restructured its WMA crews to better address the responsibilities on the Fleecer and Mt. Haggin WMA's.

If FWP acquires this property, it will implement the 5-year Exchange for Services agreement with the current lessee. Under this agreement, much of the annual labor associated with the property will be done by the lessee in return for livestock grazing. The local wildlife biologist, in cooperation with the WMA maintenance supervisor, will provide oversight to ensure the property is being managed to meet wildlife objectives.

Additional labor and costs associated with this property in the long-run will come from FWP Habitat Bureau's Operations and Maintenance budgets and Region 3 WMA Maintenance personnel.

Irrigation system – If FWP acquires the property, the Butte area wildlife biologist will oversee the irrigation system and water rights. The biologist will draw on offers of help from the previous landowner, adjacent landowner, and FWP's water rights specialist to learn how to manage and maintain the irrigation system and water rights associated with the property. The wildlife biologist will work cooperatively with FWP fisheries

biologists to make improvements to the irrigation system. Funding for these improvements will likely come from the Arctic grayling conservation program.

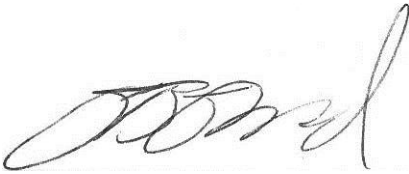
Property taxes – FWP pays taxes on all the property it owns. No reduction in the tax base will occur if FWP acquires this property.

The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment and public comment, it is my decision to approve the proposed action to purchase the Fleecer WMA Addition, a 194-acre parcel adjacent to the existing Fleecer WMA, pending FWP Commission and MT State Land Board approval.

I find there to be no significant impacts on the human and physical environments associated with this project. I feel the reasons given to oppose the proposal have been properly addressed in the EA or through current management program and direction on the Fleecer WMA. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



Sam B. Sheppard
Region 3 Supervisor
Montana Fish, Wildlife & Parks

May 8, 2017

Date